

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MS “PUCON” SCHIFFFAHRTSGESELLSCHAFT)	
MBH & CO. KG,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 4:22 CV 1227 RWS
GLOBAL AMERICAN TRANSPORT LLC,)	
)	
Defendant.)	

ORDER

Plaintiff MS “PUCON” Schiffahrtsgesellschaft mbH & Co. KG (“MS PUCON”) filed this lawsuit against Defendant Global American Transport LLC (“Global American”) on November 17, 2022, asserting a claim for maritime attachment and garnishment pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. I entered an order for a writ of maritime attachment and garnishment on November 18, 2022. Garnishee BMO Harris Bank, N.A. (“BMO”) filed its answer to the writ on December 9, 2022. BMO indicated that it is holding \$2,120.35 of Global American’s funds.

Over the course of the next few months, MS PUCON filed several motions for an extension of time for Global American to respond to its complaint. MS PUCON stated that the parties were engaged in discussions to resolve this case without further involvement of the Court. In its sixth motion for an extension of

time, MS PUCON stated that the parties had reached a principal agreement but that the agreement required approval from additional parties. Global American eventually filed its answer and a counterclaim on March 10, 2023. MS PUCON later filed a motion to dismiss and an answer to Global American's counterclaim.

On April 28, 2023, Global American filed a motion to deposit the funds held by BMO into the registry of the Court and stay this case pending the parties' arbitration. BMO does not oppose Global American's motion to deposit the funds, and it takes no position on Global American's motion to stay. MS PUCON joins Global American's motion to deposit the funds and does not oppose Global American's motion to stay. MS PUCON requests, however, that an order staying this case be entered only after the funds are deposited.

I will grant Global American's motion to deposit the funds held by BMO into the registry of the Court and stay this case pending the parties' arbitration. At this time, I will also deny MS PUCON's motion to dismiss without prejudice to be refiled at a later date if appropriate.¹

Accordingly,

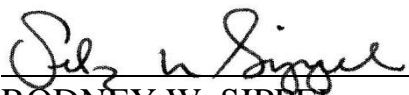
¹ MS PUCON requests that I dismiss Global American's claim for countersecurity pursuant to Rule E. The parties agree that a claim for countersecurity is premature at this time. Global American represents, however, that it has not yet sought such relief and that the reference in its counterclaim to the remedy provided by Rule E was included prospectively. MS PUCON may therefore refile its motion to dismiss at a later date, if appropriate, upon Global American's application for countersecurity.

IT IS HEREBY ORDERED that Defendant Global American Transport LLC's motion to deposit the funds held by Garnishee BMO Harris Bank, N.A. into the registry of the Court [52] is **GRANTED**. The funds held by Garnishee BMO Harris Bank, N.A. shall be deposited into the registry of the Court in accordance with the Order re Deposit of Funds Held by Garnishee entered on this same date.

IT IS FURTHER ORDERED that Defendant Global American Transport LLC's motion to stay this case pending the parties' arbitration [52] is **GRANTED**. This case shall be stayed upon the Clerk of Court's deposit of the funds held by Garnishee BMO Harris Bank, N.A. into the registry of the Court. A separate Order staying this case will be entered at that time.

IT IS FURTHER ORDERED that Plaintiff MS "PUCON" Schiffahrtsgesellschaft mbH & Co. KG's motion to dismiss [45] is **DENIED** without prejudice. Plaintiff MS "PUCON" Schiffahrtsgesellschaft mbH & Co. KG may refile its motion, if appropriate, at a later date.

IT IS FURTHER ORDERED that the status conference set for Thursday, June 15, 2023, at 11:00 a.m. is **VACATED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of June 2023.